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MEMORANDUM

March 23, 1979

TO : POL - WHHallman

FROM : POL - FAHarris

SUBJECT: The Detained and Disappeared - Status and Rules of Evidence

The desk's questions contained in Max Chaplin's memo of March 15th are intriguing. Here are my answers and some additional thoughts:

PEN Statistics

Attached is a statistical work sheet comparing the PEN data sent to the Department from the Argentine Embassy with the data available here in the Embassy. In many cases, the Argentine data undercounts the PEN statistics. Their recent five month "cease PEN" statistic is wrong. I fear their staff support is not as thorough as ours.

We do not however have data on PEN prisoners prior to my arrival and thus cannot check the Argentine Embassy's figures beginning in 1976. Furthermore, it should be remembered that there was never any information released regarding PEN statistics until late in 1976. The names of new cases being moved in and out of the PEN began to be listed in 1977 and the names of most of the PEN prisoners were not announced until the early part of 1978.

1978 Reappearance Statistics

The Argentine Embassy statistic of 159 reappearance cases in 1978 refers to the December 1978 Federal Police list of "missing persons" (runaways, insomniacs, etc.), not "desaparecidos."

Blanca Vollenweider has reviewed each of the 547, 1978 abductions reported to this Embassy so far. Of these 1978 cases, we have information regarding the reappearance of 59 individuals, 11% of the total number abducted.

On these 59 reappearances:

- 12% (7) were reported freed
- 10% (6) were reported killed
- 7% (4) were granted the right of option
- 2% (1) were expelled
- 69% (41) were placed under executive detention

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Blanca has also done the following analysis of the 54 reappearance cases on which we have reappearance data:

- 46% (25) reappeared within 30 days (16 detained, 5 freed, 4 killed)
- 9% (5) reappeared between 30-60 days (all detained)
- 13% (7) reappeared between 60-90 days (4 detained, 3 permitted to leave the country)
- 0% no cases reappeared between 90-120 days
- 13% (7) reappeared between 120-150 days (6 detained, 1 expelled)
- 9% (5) reappeared between 150-180 days (all detained)
- 6% (3) reappeared between 180-210 days (all detained)
- 2% (1) reappeared between 210-240 days (all detained)
- 2% (1) reappeared between 240-270 days (all detained)

Looking at our current 1978 data another way:

- 46% of reappearances took place within 30 days
- 56% of reappearances took place within 60 days
- 69% of reappearances took place within 90 days
- 81% of reappearances took place within 150 days
- 90% of reappearances took place within 180 days
- 98% of reappearances took place within 240 days

We will redo this exercise in June and see if the figures change with time for the late 1978 cases.

How Good is Our Data

First, abduction reports have been coming "out of the woodwork" as families overcome their fears. The IACHR visit is prompting many new (to us) reports. We have gotten just under 2,000 new entries in the last four months. I just got a raw data today of 400 plus abduction reports from La Plata. Second, inferential statistics does not allow one to estimate the size of a population from only a sample. We can infer that when our sample of abductions drops that the total number of abductions drop. But since we know nothing of the parameters of the population of events we cannot say anything about the validity of our data. In short, when we report zero abductions, we cannot infer that abductions have stopped. If there were ten in the previous month, we can validly assume that there are fewer abductions but not specify a number. We may make ordinal statements, but not nominal ones. Third, our information contains all those reappearances reported to HROs or directly to Embassy plus those cases processed through the Ministry of Interior-run PEN system. These cases are reported with certain delays in the press. The Embassy's reappearance data fails to

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include some reappearance cases where the individuals are picked up, interrogated and then later released quietly. These abductions may be reported to us and not the reappearances. Equally troublesome is the GOA's shift away from PEN to military (DAM) detention. These reappearances are not listed publicly. Fourth, we have just given the GOA our 1978 abduction list. If the GOA finds that many of our listed "desaparecidos" are in fact back home, they will certainly tell us. I have given a copy to San Roman. This is the key test. Remember when the PAHR published its May 17 list of 2,500 desaparecidos, the Interior Ministry replied showing that 60 or 70 had reappeared. The Assembly then whittled the Interior Ministry's number of reappearances down by half.

Lastly, my judgment is that the absolute number of unreported reappearances is relatively small, compared with the number of unreported abductions. The latter certainly swamps the former. Furthermore, reappearances will be expected to decrease over time as the Argentine anti-subversive forces continue to improve their targeting, make fewer mistakes, and pick up fewer "material witnesses."

The bottom line is grim. Even if our reappearance statistics are off by 100%, there are still 400 desaparecidos in 1978 who have either been "eliminated" or are still being clandestinely held.

"Disappearance" Statistics Ground Rules

A person is listed as disappeared by the Human Rights Organizations (HROs) when they receive a personal visit or a signed letter from a family member or friend reporting that a person disappeared. Each HRO disappearance report is supported by allegations. The Permanent Assembly, MEDH, Familiares, IACHR and the Nunciatura all use this same criteria. They can point to a known individual, which in almost all cases is the family member, as the source of their information. There are about 5,000 such disappearance reports in the HROs' files. The IACHR according to one press account has 2,500 reports, and the Nunciatura has about 3,000.

The U.S. Embassy's human rights files collect information from all sources--personal visits, letters to the Embassy, administration officials, members of Congress, from collective and individual newspaper advertisements, HRO and family group lists. The Embassy's file presently contains 9,984 entries. Almost all of these entries were once abducted by the security forces. A very few cases were arrested legally (e.g. Timerman). An earlier sample showed that about three quarters of our entries were still in the disappeared category. We must do another sample soon.

The totals of the Interior Ministry's disappearance files are closely held. Every person approaching the Ministry is assigned a case

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number whether the case is a disappearance or a detention. The Ministry's present file number is over 15,000.

Accounting Practice

Persons who are abducted in November and reappear in December under the Embassy accounting system appear as a November "disappearance" and a December "reappearance." We have never done a monthly net balance.

Comments

Going through this exercise has convinced me that we have created a semantic problem for ourselves by adopting the government's euphemism of "desaparecidos." The Embassy monthly statistics do not report "desaparecidos", they report abductions. The formula should be (abductions) - (reappearances) = (disappearances). This change in nomenclature would be helpful as it would bring us more into line with the nomenclature used by Argentine security forces who consider a "desaparecido" only an individual who has been eliminated. I propose that the monthly data which the Embassy collects, unless there is an objection from our end users, should in the future refer to abductions, reappearances and disappearances as three separate categories. (Whether the "disappeareds" are dead ("Desaparecidos" in the military's jargon) or alive ("DAMS" in the military jargon) is a further semantic problem which we should be aware of, but a factual problem which we cannot deal with.)

Attachment:
Statistical Comparison
of PEN Data

cc: POL Reading File
ARA/ECA - Mr. Brayshaw
HA/HR - Mr. Flood
INR/RAR - Mr. Buchanan

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STATISTICAL COMPARISON OF PEN DATA

<u>FROM APRIL 1978 THROUGH JANUARY 1979</u>	<u>ARG. EMB.</u>	<u>US EMB.</u>
RELEASED PRISONERS (Cese de PEN)	924	931
PERSONS ALLOWED TO LEAVE THE COUNTRY (Derecho de opción)	37	93
PERSONS EXPELLED FROM THE COUNTRY (Expulsados)	28	30
PERSONS UNDER PAROLE (Libertad vigilada)	83	76 *
HOUSE ARREST (Arresto domiciliario)	6	11 *
DISAPPEARED PERSONS THAT HAVE BEEN LOCATED (Refers to Federal Police Missing person list, not to "desaparecidos")	159	65 (Reappearances)

arances

RIGHT OF OPTION GRANTED

From 10/27/76 through 9/1/77	113	Info N/A
From 9/1/77 through January 1979	100	151

* Individuals in these categories generally later have their
PEN status removed entirely = ergo duplication problem.

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<u>FROM SEPTEMBER 1978 THROUGH JANUARY 1979</u>	<u>ARG. EMB.</u>	<u>US EMB.</u>
RELEASED PRISONERS (Cese de PEN)	719	388
PERSONS ALLOWED TO LEAVE THE COUNTRY (Derecho de opción)	33	44
PERSONS EXPELLED FROM THE COUNTRY (Expulsados)	25	20
PERSONS UNDER PAROLE (Libertad vigilada)	82	60 *
HOUSE ARREST (Arresto domiciliario)	6	7 *
DISAPPEARED PERSONS THAT HAVE BEEN LOCATED (Refers to Federal Police Missing person list, not to "desaparecidos")	159	41 (Reappearances)

* Individuals in these categories generally later have their PEN status removed entirely = ergo duplication problem.

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